

09/928,546

REMARKS

Upon receipt of this response, the Examiner is respectfully requested to contact the undersigned representative of the Applicant to arrange a telephone interview concerning the inventive merits of this application.

The drawings are amended, per the attached Submission, to overcome a few noted informalities contained therein. In particular, the Examiner objected to the Drawings under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims and made particular reference to the terms "refrigerated self-propelled vehicle", "an unrefrigerated self-propelled vehicle", "dolly" and "conveyor". In response to this objection these particular terms have been canceled from the claims. The claims now specifically refer mainly to a "transfer vehicle" support for which is found for example at column 3, lines 9 through 37 of U.S. Patent No. 6,105,818. As described therein, a "transfer vehicle" which may be refrigerated or may incorporate suitable cooling means is loaded with the racks of trays at a supply location 30 and the transfer vehicle transports the racks of trays to an intermediate location, indicated in Fig. 3 by the reference number "34", where the racks of trays are transferred to a trolley 11 for final transport to a consumer site 31, 32, 33 where the trays are distributed to the eventual consumers.

In response to the Examiner's objection to the Drawings, and in conformance with U.S. Patent No. 6,105,818 as originally filed and as issued, the Applicant amended Fig. 3 to show an exemplary "transfer vehicle", which has been designated as a "transfer vehicle 35". The exemplary transfer vehicle 35 is indicated as containing an exemplary rack 15, which may contain one or more trays 20A or 20B, and as traveling between a supply location 30 and an intermediate location 34. Fig. 3 is also amended to illustrate a trolley 11 containing one or more trays 20A or 20B that have been transferred between the transfer vehicle 35 and the trolley 11 that travels between an intermediate location 34 and a consumer site 31. The Applicant also amended the specification of the present Application in accordance with the described

amendments to Fig. 3 to insert a reference number for the illustrated exemplary transfer vehicle 35 and appropriate references to the described intermediate locations.

It will be recognized that the above amendments to Fig. 3 and to the corresponding portions of the specification are fully supported in the drawings and in the disclosure as originally filed and issued. These amendments are thereby fully supported by the specification and drawings of U.S. Patent No. 6,105,818 as originally filed and issued and, as such, do not add any new matter. It is the belief of the Applicant that these amendments meet and fully overcome all of the Examiner's grounds for objection to the drawings under 37 CFR 1.83(a), and the Applicant respectfully requests that the Examiner reconsider and withdraw all objections to the drawings under 37 CFR 1.83(a).

New formal drawings, incorporating the requested amendments, will follow once the requested drawing amendments are approved by the Examiner. If any further amendment to the drawings of this application is believed necessary, the Examiner is invited to contact the undersigned representative of the Applicant to discuss the same.

The Examiner next objects to the re-issue claims under 35 U.S.C. § 132 as introducing new matter into the disclosure, referring specifically to the recitation of "repositioning the rack within the receptacle" at line 2 of claim 20. Upon review of the disclosure of U.S. Patent No. 6,105,818, the Applicant notes that the term "receptacle" in claim 20 refers to trolley 11 of the disclosure and that the disclosure describes, at column 3, lines 38-44, that "the trays are returned to the racks in the trolley". This objection by the Examiner thereby addresses the issue that the original disclosure describes that the trays are returned to the racks in the trolley, but does not explicitly state either that the racks are removed from the trolley for distribution of the trays to the consumers or that the racks are subsequently returned to the trolley. The Applicant concurs with the Examiner in this regard, but notes that in certain instances the racks may be removed from the trolley for distribution of the trays to the consumers and that the racks may be subsequently returned to the trolley during collection of the trays. In order to

facilitate and advance prosecution of the present application, however, the Applicant elects to amend claim 20 as indicated herein to cancel the wording objected to by the Examiner.

It is, therefore, the position of the Applicant that this amendment to claim 20 meets and overcomes the Examiner's objection to claim 20 under 35 U.S.C. § 132 and respectfully requests that the Examiner accordingly reconsider and withdraw the objection to claim 20 under 35 U.S.C. § 132.

Next, the Examiner objects to claims 1, 12, 17 and 19 for certain informalities therein. The Applicant considered the reasons for each of the Examiner's objections to claims 1, 12, 17 and 19 and accordingly amended claims 1, 12, 17 and 19 to meet and overcome the Examiner's objections to each of these claims. It is, therefore, the position of the Applicant that the above amendment to claims 1, 12, 17 and 19 meet and overcome the Examiner's objections to claims 1, 12, 17 and 19 and respectfully requests that the Examiner accordingly reconsider and withdraw the objections to claims 1, 12, 17 and 19.

Claims 7, 8, 14, 15 and 20 were rejected by the Examiner under 35 U.S.C. § 112, second paragraph as being indefinite for containing new matter. These rejections refer in particular to the respective roles of a transfer vehicle 35 and trolley 11 in transferring the trays 20A, 20B between a supply location 30 and consumer site 31, 32, 33 and whether the racks 15 are removed from the trolley 11 before dispensing the trays 20A, 20B and subsequently returned to or repositioned in the trolley 11. These grounds for rejection or objection have been discussed herein above with regard to objections to the drawings and to claim 20. The rejected claims are accordingly amended by the above presented claim amendments to meet and overcome these grounds for rejection of the claims. The presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised 112, second paragraph, rejections, and the Applicant respectfully requests that the Examiner reconsider and withdraw all rejections of the claims under 35 U.S.C. § 112.

Next, the Examiner rejects claim 2 under 35 U.S.C. § 112 as being indefinite with respect to the term "regenerating". The Examiner states that the term "regenerating" is best understood in light of the specification as meaning "rethermalizing". The Applicant does not dispute use of the term "rethermalizing" in place of "regenerating" if the Examiner feels that the meaning of the specification is more explicitly and clearly expressed by the term "rethermalizing" and that the use of the term "rethermalizing" will not be regarded by the Examiner as adding new matter, and if the term "rethermalizing" is deemed to have the same meaning as the term "regenerating". The Applicant amended claim 2 herein above to replace the term "regenerating" with the term "rethermalizing" and respectfully requests that the Examiner reconsider and withdraw this rejection of claim 2 under 35 U.S.C. § 112. It should be noted that the Applicant is willing to make similar amendments to the remaining claims upon an indication by the Examiner that such amendments would be desirable and would not be regarded as adding new matter, and that the term "rethermalizing" is deemed to have the same meaning as the term "regenerating".

The Examiner rejects claims 1-20 under 35 U.S.C. § 102(b) over Colato et al. '736 (hereafter referred to as "Colato") and claims 2-8 and 10-15 under 35 U.S.C. § 102(b) over Stromqvist '650 (hereafter referred to as "Stromqvist"). The Applicant acknowledges and respectfully traverses both of the raised anticipatory rejections in view of the following remarks.

First considering the present invention, according to the present invention food trays are prepared at a supply location, such as a central food preparation facility. One or more trays are then placed into one or more racks that are, in turn, placed in a transfer vehicle that may be, for example, refrigerated. The transfer vehicle then transports the loaded racks to a remote location from the supply location and the racks are transferred from the transfer vehicle to a trolley of the present invention, which is insulated and includes appropriate food heating and cooling facilities, or is connectable to such facilities. The food is rethermalized and the trays dispensed to the consumers. After the food has been consumed, the trays are collected and

the trays and the racks are returned to the supply location for re-use. Optionally, the load racks may be stored in a chilled storage area prior to being transferred to the trolley.

Next considering Colato, this reference describes a mechanism for transporting, rethermalizing and dispensing food on trays wherein a moveable refrigerated container is provided with racks for the holding trays. Each tray is provided with an individual associated heating apparatus that is mounted in the rack with the tray wherein each heating apparatus has heating elements corresponding to hot food dishes on the tray. The hot food dishes are exposed to the heating elements to maintain the hot food dishes at a hot temperature while the cold food dishes are exposed to the refrigeration in the container and are shielded from the heating elements, thereby keeping the cold food dishes at cold temperatures. In use, the loaded trays are brought to the refrigerated container and loaded into the racks therein and the heating apparatus of each tray is plugged into power wiring in the container. The container with the loaded racks therein is transported from the central supply point to the location where the food trays are to be dispensed and at that location the container is connected to a power source, thereby powering the refrigerating unit in the container and the heating elements associated with each tray. The container refrigeration unit is thereby started to provide cooling to preserve the food and to chill the cold dishes, while the heating apparatus of each tray heats the hot dishes. At the desired time, the container is opened and the trays are removed and dispensed.

Colato requires that the regeneration cart with the rack of loaded trays of food contained therein be transported from the central supply point to the desired location where regeneration takes place. In contrast, under Applicant's method, the regeneration receptacle is not loaded at the central food preparation area and transported to a remote location from the central food preparation area for regeneration of the food. Rather, in accordance with Applicant's invention, only the rack loaded with trays of food is transported between the central food preparation area and the remote location, which eliminates the need for expensive regeneration carts to be transported outside the site where they are used.

It is, therefore, apparent that Colato does not teach, disclose or even suggest the present invention, under either 35 U.S.C. § 102 or 35 U.S.C. § 103, because the present invention is fundamentally distinct and distinguished over and from Colato in both its structure and its method of operation or use.

The method of the present invention teaches that the racks containing the trays should be placed in a transfer vehicle for transportation from a central supply location to a trolley of the present invention for rethermalization of the food. As such, and in complete and fundamental contrast from the teachings of Colato, the majority of the movement required in transporting the trays from a preparation site to the consumers is performed in the transfer vehicles which transfer the racks, which may be relatively inexpensive compared to transferring the trolleys containing the racks, and may therefore be provided in large numbers and as needed. The rethermalization of the food is, in turn, performed in the more complex trolleys, which are required only at the locations at which the food is to be rethermalized, that is, at the consumer sites. As such, fewer of the trolleys are required, the trolleys may be redistributed among consumer sites as required by the consumers rather than by transportation requirements, and the trolleys are not exposed to the hazards of transportation, e.g., can be damaged.

Because of these fundamental differences between the present invention and Colato, Colato does not in any way teach, suggest or disclose any of these aspects, structural features or methods of use of the present invention under either 35 U.S.C. § 102 or 35 U.S.C. § 103. It is, therefore, the belief and position of the Applicant that the present invention, as recited in the pending claims as amended herein, are completely, fundamentally and patentably distinguished over the from the teachings of Colato under both 35 U.S.C. § 102 or 35 U.S.C. § 103. The Applicant, therefore, respectfully requests that the Examiner reconsider and withdraw all rejections of the claims under 35 U.S.C. § 102 and any anticipatory rejections of the claims under 35 U.S.C. § 103 and indicate allowance of the claims as amended herein.

Next considering Stromqvist, this reference discloses a food heating and handling structure. Specifically, Stromqvist discloses a structure for transferring into an upright heating

apparatus (an oven) all at one time a plurality of receptacles containing food, and then after all of the food in the food receptacles has been heated in the oven, for transferring from the oven all at one time the plurality of receptacles of heated food (see column 1, lines 15-19, column 3, lines 29-40.) In contrast with applicant's invention, Stromqvist does not disclose or even relate to an apparatus or method for regenerating food where meals that may include both hot food items (e.g., soup, a hot entree, vegetables, and coffee) and cold food items (e.g., a salad, bread and butter, a glass of milk, and dessert) are placed on trays at a central food preparation facility, transferred to, for example, a hospital wing, regenerated using a heating system and a cooling system such that hot food items may be served hot and cold food items may be served cold without disturbing the meal apportioned on each tray, and served to consumers such as hospital patients. Stromqvist's system does not even have a cooling system.

Stromqvist merely relates to a way of heating a plurality of food receptacles all at once in an oven. Stromqvist does not teach or suggest Applicant's method wherein food is apportioned onto a plurality of trays at a first location such as a central food preparation facility, the trays are loaded onto a rack, the rack loaded with trays is loaded onto a transport vehicle for transportation to a remote location from the first location, the loaded rack is transported in the transport vehicle to the remote location, the loaded rack is transferred from the transport vehicle to a receptacle, and a heating system and a cooling system are activated to regenerate the food on the rack positioned in the receptacle.

While Applicant's method involves moving food from a central food processing area to a remote location where the food is regenerated and distributed, it is believed that Stromqvist's oven is located in a central food processing area such as a kitchen and is merely used to heat up a plurality of food receptacles at the same time to handle a lunch time rush such as in a school cafeteria. Further support of this distinction is evident as the Stromqvist oven produces objectionable fumes and moisture, and utilizes a conduit to exhaust the water vapor and fumes from the oven (column 7, lines 3-17). Therefore, Stromqvist does not teach, suggest or disclose the present regeneration invention, but rather relates to a kitchen oven.

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Because of these fundamental differences between the present invention and Stromqvist, Stromqvist does not teach, suggest or disclose any of these aspects, structural features or methods of use of the present invention under either 35 U.S.C. § 102 or 35 U.S.C. 103. It is, therefore, the belief and position of the Applicant that the present invention, as recited in the pending claims as amended herein, are completely, fundamentally and patentably distinguished over and from the teachings of Stromqvist under both 35 U.S.C. § 102 or 35 U.S.C. § 103. The Applicant, therefore, respectfully requests that the Examiner reconsider and withdraw all rejections of the claims under 35 U.S.C. § 102 and any anticipatory rejections of the claims under 35 U.S.C. § 103 and allowance of the claims as amended herein.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Colato et al. '736 and/or Stromqvist '650 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

New claims 21 to 40 have been added to round out the coverage of the claims. Our Deposit Account (Account No. 04-0213) is to be charged for the additional claims.

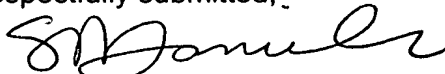
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If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted, _



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By: _____

Print Name: Scott A. Daniels

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Supply location **30** represents a food preparation area for supplying a number of consumer sites **31, 32, 33** which are in this case hospitals which are some distance from each other and from supply location **30**. The supply location receives raw materials and supplies by path W. At the supply location **30** food is prepared, cooled and plated and individual amounts for an individual consumer at one of the consumer sites are placed on a tray. Trays for delivery to a particular consumer location **31** are placed on one or more racks as described in relation to FIG. 1. The racked arrays are then loaded into a refrigerated transfer vehicle **35** whereby the food is transferred to location **31**. The vehicle is equipped with a load space incorporating suitable cooling means to ensure that trays of food in each rack does not exceed predetermined limits.

The transfer vehicle **35** then delivers along path S the racked arrays bearing the food to consumer site **31**. At an intermediate location **34** at the site each racked array is unloaded from the vehicle **35** and loaded into a regeneration trolleys **11** of the type described in connection with FIG. 1. The loaded trolley **11** is then moved closer to the location of the eventual consumers of the contents of the trolley **11**. The trolley **11** is connected to a power supply and is then powered up to enable the food content of the racked array to be automatically regenerated according to a predetermined program held in the control unit of the trolley. Once regeneration has been completed the trolley **11** is opened and the trays and their contents distributed to the recipients.

1. (AMENDED) A method of preparing, transporting and dispensing food between a series of remote locations, the method comprising the steps of:

- preparing the food for consumption at the first location;
- apportioning the food onto a plurality of trays at the first location;
- stacking the trays in a manually maneuverable rack, and providing the rack with a predetermined stacking arrangement of particular dimensions;
- loading the maneuverable rack onto a refrigerated vehicle for transportation to a second remote location;
- transferring the maneuverable rack, at the second location, into a moveable receptacle comprising at least one of heating and cooling means, and the receptacle being configured to receive at least one of the plurality of racks;
- relocating the moveable receptacle to a desired position;
- activating at least one of the heating and cooling means prior to dispensing of the food trays to consumers;
- dispensing the food trays to the consumers for consumption;
- collecting and re-stacking the trays in the rack situated within the receptacle;
- removing the at least one maneuverable rack [form] from the moveable receptacle for transportation of the rack back to the first location.

2. (AMENDED) A method of preparing and transporting food for regeneration comprising the steps of:

- preparing food at a first location;
- apportioning the prepared food onto at least one tray;
- loading the at least one tray, bearing the apportioned food, onto a rack for receiving and supporting a plurality of trays in a predetermined alignment;
- providing a transfer vehicle for transporting the rack, loaded with the at least one tray bearing the apportioned food, to a second location spaced from the first location;
- transferring the rack from the transfer vehicle to a receptacle at the second location; and
- [regenerating] rethermalizing the apportioned food while the at least one tray is supported by the rack at the second location.

7. (AMENDED) The method as claimed in claim 6, further comprising the step of using[one of:]

a refrigerated vehicle[; and
a trolley]

as the transfer vehicle for transporting the rack loaded with the at least one tray bearing the apportioned food from the first location to the second location.

8. (AMENDED) The method as claimed in claim 2, further comprising the step of using[one of:]

a refrigerated [self-propelled] vehicle[;
an un-refrigerated self-propelled vehicle;
a trolley;
a dolly; and
a conveyor]

as a transfer vehicle to transport [of] the at least one tray.

12. (AMENDED) The method as claimed in claim 2, further comprising the step of placing the transported [the] rack, loaded with the at least one tray bearing the apportioned food, in storage prior to [regenerating] rethermalizing the apportioned food of the at least one tray.

15. (AMENDED) The method as claimed in claim [14] 13, further comprising the steps of:

using the rack to collect the plurality of trays following consumption of the apportioned food by the consumers; and

returning the plurality of trays and the rack back to the first location for reuse and wherein the receptacle remains at the second location.

17. (AMENDED) The method as claimed in claim 16, further comprising the step of, following consumption of the apportioned food by the consumers, collecting [and] the plurality of trays with the rack located within the mobile receptacle.

19. (AMENDED) The method as claimed in claim 13, further comprising the step of placing the transported [the] rack, loaded with the plurality of trays bearing the apportioned food, in storage prior to [regenerating] rethermalizing the apportioned food of the plurality of trays.

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20. (AMENDED) The method as claimed in claim 13, further comprising the steps of:

[repositioning the rack within the receptacle and]collecting the plurality of trays with the rack in the receptacle following consumption by the consumer; and
returning the plurality of trays and the rack back to the first location for reuse while leaving the receptacle at the second location.